Supreme Court, U.S.
FILED

10-478 AUG 2- 201

OFFICE OF THE CLERK

No. _____
Circuit Court of Fairfax No. CL2009-08415

IN THE
SUPREME COURT OF THE UNITED STATES

Sher J. Rana

Petitioner

v.

Toyota Motor Credit Corporation

Respondent

On Petition For a Writ of Certiorari to
The Virginia Supreme Court

PETITION FOR WRIT OF CERTIORARI

Sher J. Rana, Petitioner
7307 Peter Place
McLean, Va. 22102
(703) 847-1508

Ernest C. Vaughan, Jr., Esq.
Counsel for Respondent
RANDOLPH, BOYD, CHERRY AND VAUGHAN
14 East Main Street
Richmond, Va 23219
(804) 643-6611

QUESTIONS FOR REVIEW

1. Whether the Supreme Court of Virginia erroneously concluded that the Appellant had failed to perfect his Appeal in a timely manner.

The Appellant mailed, through first class mail, a copy of his complete petition for appeal, on December 29.2009. The original had been submitted to the Circuit Court of Fairfax on December 28, 2009.

If the Postal Service or the Circuit Court failed to deliver the documents to the Virginia Supreme Court , should the Appellant be denied justice and rights to his property? A copy of Postal Service Receipt indicating that the document had indeed been mailed to the Court, was submitted in support of his request but the Appeal was still

denied.

2. This Court should Resolve if Appeals are granted or denied based on merits of the case and sanctions of law, not on rules and regulations or extraneous factors.

3. This Court should also Resolve that Laws of Land allow defendants to present their own cases in State Courts. If that is so, the Courts should recognize that laymen are likely to make minor errors in their presentations and, also, are not likely to meet completely all requirements of rules and regulations. Thus Courts should not assign high value to minor errors of "Pro-Se" cases and restore equity and justice in the cases which come before them for resolution.

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Copy of Post Office Receipt dated 29th December, 2009, indicating that on that day a Large Envelope, weighing 3.80 ounces was mailed to Zip code 23219 (Virginia Supreme Court) in Richmond, VA ..... App. 6

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PETITION FOR A WRIT OF CERTIORARI

Sher J. Rana respectfully petitions for a writ of certiorari to review the Decision of the Supreme Court of Virginia entered on June 18, 2010.

JURISDICTION

The Supreme Court of Virginia erroneously denied on 29 April, 2010, the appeal stating that the appellant had failed to timely file the petition for appeal. But the Appeal was perfected on 28th of December 2009 when it was filed with the Circuit Court of Fairfax, and copies thereof sent to the Supreme Court of Virginia and others.

On or around March 5, 2010, Appellant learnt that he needed to seek extension of time to perfect his appeal because all the required documents were not in Court files. So he filed the

required documents to request extension of time. He felt that this filing will become redundant when his filings of December 28, 2009, are uncovered.

But this filing, unfortunately. caused the Court to believe that appellant had indeed failed to perfect his Appeal in a timely manner.

The Court also denied rehearing Appeal of 18th of June, 2010 even though copies of the Post Office receipts and other explanations were submitted to the Court. This petition is being filed within 90 days of the denial of rehearing request.

STATEMENT OF THE CASE

This case relates to a car which Plaintiff had purchased in January 2009, from a Toyota Dealer in Maryland. He traded in a 2002 BMW automobile worth about $8,000.00, and financed the balance

with Toyota Motor Credit Corporation (TMCC). TMCC , contrary to the established commercial and legal practices, did not send required invoices for monthly dues, etc. to the purchaser but sent them to someone else, Ritu Rana.*

On receipt of an invoice, Ritu Rana, immediately wrote back to TMCC and asked them to correct their records and send the invoices to Mr. Sher J. Rana who had actually purchased the car and who was legally and financially responsible for making the payments. The Plaintiff also called TMCC several times and requested them to send the monthly statements of account, amounts due

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* Because of the requirements of Division of Motor Vehicles of Virginia, name of the Person who permanently drives the car, has to be listed on the Title. Since Plaintiff had purchased the car for his daughter, Va. Law required that her name be put on the title.

etc., to him.

TMCC ignored all those requests but on May 19,2009, illegally, immorally and arbitrarily removed the car from the school where Ms. Ritu Rana teaches and where it was parked.

When the Plaintiff was informed of the "Repossession" action and the amount of missed payments required to "***Reinstate the Account***", a personal check for the missed payments, i.e. $3,418.56 was immediately sent, almost 10 days before the TMCC's required payment date of June 10, 2009, and the TMCC cashed the check on June 2, 2009. Thus the issue of ***missed payments was resolved and the issue of transportation charges which Plaintiff had declined to honor, remained.***

Originally the Plaintiff questioned the

validity of a charge of $355.00 for transportation of the car within the city, but later on, for the sake of expediency and goodwill, he agreed to pay it. But when he called TMCC on telephone, he was told that the car will ***still*** be sold — and not returned. ***Why? Because the payment had not been made by the stipulated date of June 10,2009. The fact that payment had already been made and cashed on June 2, 2009, was intentionally and deliberately ignored.***[**]

Later on, Plaintiff sought help and guidance from different private and public agencies – one such entity was the Virginia Department of Consumer Affairs -- but TMCC refused to cooperate

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[**] ***Validity of this statement can be confirmed from the recordings of these conversations made by TMCC.***

with that government agency.

Thus at the suggestion of Virginia Attorney General's Office (Virginia Department of Consumer Services) , Circuit Court of Fairfax was requested to rule on the merits of this issue and restore justice and equity in this case.

In the Circuit Court the issue was heard twice:

A. First on August 28, 2009, by Hon'ble Judge Bruce D. White. He reviewed the case and wondered aloud why the issue remained unsolved after required payments to TMCC had already been made. So **he ordered a trial to resolve the dispute.**

B. On November 13,2009, by Judge Leslie Alden,

who, within a few minutes and without reviewing the record or paying any heed to Judge White's ruling, and, also, while reviewing another case at the same time, **dismissed this case and ordered it removed from the docket. Thus totally disregarding the fact that the Plaintiff had more than $30,000.00 invested in cash and legal expenses, in this case.**

The Court was requested to reconsider this decision because it lacked equity and justice, but she did not agree . Thus her decision was appealed to the Supreme Court of Virginia on December 28, 2009, where it was dismissed on April 29, 2010 (Appendix "A").

In an Appeal for review of this decision, the Court was informed that the Original Appeal was

indeed submitted in a timely fashion — and proofs of mailing were attached thereto — but unfortunately they were not delivered by the Post Office. The Court still denied the Appeal. (Appendix "B")

REASONS FOR GRANTING THE PETITION

1. This Court should Resolve if Appeals are granted or denied based on merits of the case and sanctions of law, not on rules and regulations or extraneous factors.

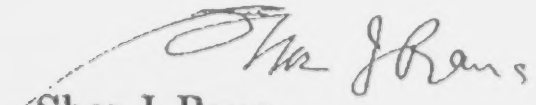
2. This Court should also Resolve that Laws of Land allow defendants to present their own cases in State Courts. If that is so, the Courts should recognize that laymen are likely to make minor errors in their presentations and, also, are not likely to meet completely all requirements of rules

and regulations. Thus Courts should not assign high value to minor errors of "Pro-Se" cases and restore equity and justice in the cases which come before them for resolution.

CONCLUSION

Petitioner requests that this Court grant the petition for a writ of certiorari and summarily reverse the decision of Supreme Court of Virginia or, in the alternative, order briefing and oral argument to elucidate the truth.

Respectfully submitted,



Sher J. Rana
7307 Peter Place,
McLean, Va. 22102
(703) 847-1508
sherrana @Yahoo.com

CERTIFICATE OF COMPLIANCE

No. _____

Sher J. Rana, Petitioner

v.

Toyota Motor Credit Corporation, Respondents

As required by Supreme Court Rule 33.1(h), I certify that this petition for a writ of certiorari contains 1585 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 30, 2010

Sher J. Rana

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Denial of Petition for Rehearing by the Supreme Court of Virginia. 18th June 2010.

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Copy of Post Office Receipt dated 29th December, 2009, indicating that on that day a Large Envelope, weighing 3.80 ounces was mailed to Zip code 23219 (Virginia Supreme Court) in Richmond, VA

Appendix "A"

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 18th day of June, 2010

Sher J. Rana Appellant

against Record No. 100519

Circuit Court No. CL2009-08415

Toyota Motor Credit Corporation , Appellee

Upon a Petition for Rehearing

On consideration of the petition of the appellant to set aside the judgement rendered herein on the 29th day of April, 2010, and grant a rehearing thereof, the prayer of the said petition is denied.

A Copy,

Teste:

Patrician L. Harrington, Clerk

By: *original order signed by a deputy clerk of the Supreme Court of Virginia at the direction of the Court.*

Deputy Clerk

Appendix "B"

VIRGINIA

In the Supreme Court of Virginia held at the City of Richmond on Thursday the 29th day of April, 2010,

Sher J. Rana, Appellant

against: Record No. 100519

Circuit Court No. CL2009-08415

Toyota Motor Credit Corporation Appellee

From the Circuit Court of Fairfax County

On March 8, 2010, came the appellant, in proper person and filed a motion for extension of time to file his petition for appeal. On consideration whereof, the Court denies the motion.

Finding that the appeal was not perfected in

the manner provided by law because the appellant failed to timely file the petition for appeal, the Court dismisses the petition filed in the above-styled case. Rule 5:17(a)(1)

A Copy.

Teste:

Patrician L. Harrington, Clerk

By: Signed: Deputy Clerk

Appendix "C"

MC LEAN PO
MC LEAN, Virginia
221019998
5165430200 -0094

12/29/2009 (800) 275-8777 01:54:47 PM

---------- Sales Receipt ----------

Product Description	Sale Qty	Unit Price	Final Price
RICHMOND VA 23219 Zone-2 First Class Large Env 3.80 oz.			$1.39
Issue PVI:			$1.39
Total:			$1.39
Paid by:			
Cash			$2.00
Change Due:			-$0.61

Bill#: 1000603914259
Clerk: 18